

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
** AMENDED CRIMINAL MINUTES
CHANGE OF PLEA & IMMEDIATE SENTENCING

FILED
DISTRICT COURT OF GUAM
APR 11 2006

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-01-00051

DATE: April 6, 2006

HON. ROGER T. BENITEZ, Designated Judge, Presiding
Court Reporter: Wanda Miles
Hearing Electronically Recorded - RUN TIME: 1:40.48 - 2:24.05

Law Clerk: None Appearing
Courtroom Deputy: Glenn Rivera
CSO: N. Edrosa/J. Lizama

***** APPEARANCES *****

DEFT: LIN CHEN

(X) PRESENT (X) CUSTODY () BOND () P.R.

ATTY: JOHN GORMAN

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

U.S. ATTORNEY: RUSSELL STODDARD

AGENT: MANNY CANDELA

U.S. PROBATION: JUDY OCAMPO

U.S. MARSHAL: D. PUNZALAN

INTERPRETER: FOO MEE CHUN CLINARD, Previously sworn

LANGUAGE: CHINESE MANDARIN

(X) DEFT CHANGES PLEA TO GUILTY TO COUNT 1 OF THE INDICTMENT.
DEFT ORALLY WAIVES PRESENTENCE REPORT

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level: 14

Total offense level: 12

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT

() DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION: Government recommended to the Court time served and credit for 17 months.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF TIME SERVED (CREDIT FOR 17 MONTHS).

() COURT RECOMMENDATION TO THE BUREAU OF PRISONS AT _____.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF ONE (1) YEAR.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, OR LOCAL CRIME
2. DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE AND SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO PERIODIC DRUG TESTS THEREAFTER, NOT TO EXCEED EIGHT TESTS PER MONTH, AS DIRECTED BY THE PROBATION OFFICER.
3. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICER.
4. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. SENTENCING COMMISSION AND CODIFIED UNDER 18 U.S.C. §3583.
5. DEFENDANT SHALL BE PROHIBITED FROM POSSESSING A FIREARM OR OTHER DANGEROUS WEAPON.
6. DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED BY THE U.S. PROBATION OFFICE FOR SUBSTANCE ABUSE, WHICH PROGRAM MAY INCLUDE TESTING TO DETERMINE WHETHER HE HAS REVERTED TO THE USE OF DRUGS OR ALCOHOL. THE DEFENDANT SHALL ALSO MAKE CO-PAYMENT FOR THE PROGRAM AT A RATE TO BE DETERMINED BY THE U.S. PROBATION OFFICE.
7. DEFENDANT SHALL NOT ATTEMPT TO ENTER OR BE FOUND IN THE UNITED STATES WITHOUT OFFICIAL PERMISSION FROM THE UNITED STATES GOVERNMENT. SHOULD DEFENDANT RETURN TO THE UNITED STATES, HE SHALL REPORT TO THE PROBATION OFFICE WITHIN 24 HOURS OF ARRIVAL.

COURT ORDERS THAT THE DEFENDANT BE RELEASED FORTHWITH TO IMMIGRATION.

IT IS FURTHER ORDERED THAT THE SPECIAL ASSESSMENT FEE OF \$100.00 IS WAIVED.

PURSUANT TO SECTION 5E1.2(f) OF THE GUIDELINE RANGE, ALL FINES ARE WAIVED SINCE IT HAS BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

GOVERNMENT ORAL MOTION TO DISMISS COUNT 2 OF THE INDICTMENT - GRANTED

****Amended to include supervised release condition no. 7**